IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

Crl.Rev.Pet.No. 450 of 2007(E)

CRA.266/2004 of SPL. COURT (NDPS ACT CASES), THODUPUZHA
CC.717/2003 of JUDL. MAGI. OF FIRST CLASS-I (FOREST OFFENCES), THODUPUZHA

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REVN. PETITIONER:

BALACHANDRAN S/O VELAYUDHAN
KANATHAVAYALIL HOUSE
KURICHITHANAM P.O,
UZHAVOOR, MEENACHIL TALUK
KOTTAYAM DISTRICT

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

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1. V.K.BALAKRISHNA PILAI
VARAMPANANICKAL HOUSE
KUDAYATHOOR, THODUPUZHA

2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM

BY ADV. SRI.K.K.DHEERENDRAKRISHNAN
PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.PADMANABHAN NAIR.J

Crl.R.P No.450 OF 2007

Dated this the 1st day of February 2007

ORDER

Heard. Admitted. Advocate Sri.K.K Dheerendra Krishnan takes notice for the first respondent. Public Prosecutor takes notice for the second respondent. Crl.Revision Petition itself is heard and disposed of as agreed to by both sides.

2. It is submitted by counsel on both sides that parties have settled the dispute out of court. They have filed Crl.M.A.No.1313/2007 seeking permission to compound the offence. Today I have allowed that application and compounded the offence. So Crl.Revision Petition is only to be allowed.

3. In the result, Crl.Revision Petition is allowed. Conviction and sentence imposed on the revision petitioner under Section 138 of Negotiable Act are hereby set aside and he is acquitted under Section 320 (8) of Cr.P.C

It is submitted by the counsel for the petitioner ,that the petitioner had deposited an amount of Rs. 8,420/- before the learned Magistrate during the pendency of the appeal before the Sessions Court and that amount may be ordered to be released to the first respondent/ complainant. If any amount is deposited by the accused in C.C. 717/2003, the same shall be released to the first respondent/complainant.

K.PADMANABHAN NAIR.JUDGE

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K.PADMANABHAN NAIR.J

Crl.M.A. No.1313/2007 in Crl.R.P No.450 OF 2007

Dated this the 1st day of February 2007

ORDER

This is an application filed under Section 147 of Negotiable Instruments Act read with Section 320 of Cr.P.C seeking permission to compound the offence. Revision petitioner was found guilty of an offence punishable under Section 138 of the Negotiable Instruments Act convicted and sentenced to undergo simple imprisonment for three months and to pay compensation of Rs. 25,000/-. In default of payment of compensation he was directed he was ordered to undergo simple imprisonment for one more month. Crl.Appeal No. 266/2004 filed by petitioner before Sessions Court was dismissed by the Sessions Judge. Learned Sessions Judge confirmed the conviction but modified the sentence. Challenging those concurrent findings this Crl.R.P. is filed.

2. It is submitted by counsel on both sides that parties have settled the dispute out of Court. Since the parties had settled the matter out of court and the amount due under the cheque was paid, it is only just and proper that permission sought for to compound the offence is granted. The amount if any deposited by the petitioner/accused can be withdrawn by the first respondent/complainant.

In the result this Crl.M..A is allowed. Permission sought for is granted and the offence is compounded.

K.PADMANABHAN NAIR.JUDGE

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